

### **Remarks**

The fifth non-final Office Action mailed February 9, 2007 allowed claims 1-8, 10 and 30, and rejected claims 11-14, 17-22, 24, 32, and 34-36. The Applicant's Attorney again expresses his sincere appreciation to the Examiner for his continued efforts on this case.

Clarifying amendments have been presented to claims 11, 13, 21, 24 and 36. These amendments do not introduce new matter, do not narrow the scope of the claimed subject matter, and serve merely to more particularly point out and distinctly claim the subject matter regarded as the invention pursuant to 35 U.S.C. §112, second paragraph. These amendments will therefore have no preclusive effect upon any subsequent proceedings.

### **Rejection of Claims Under 35 U.S.C. §112**

Claims 11-14, 17-22, 24, 32 and 34-36 were rejected under §112, second paragraph for indefiniteness. While this rejection is respectfully traversed on the basis that the Applicant believes that the claims as previously presented fully met all the requirements of §112, the Applicant has proceeded to provide clarifying amendments to claims 11, 13, 21, 24 and 36.

It is believed that these amendments fully address the issues raised in the Office Action, and that the claims now meet the requirements of §112, second paragraph. Reconsideration and withdrawal of the §112 rejection are accordingly solicited on this basis.

### **Rejection of Claims Under 35 U.S.C. §102(e)**

Claims 34-36 were rejected as being anticipated by U.S. Patent No. 6,754,027 to Hirano et al. ("Hirano '027"). This rejection is respectfully traversed.

The Applicant respectfully submits that the previously presented claims 34-36 were patentably distinct over Hirano '027, in accordance with the arguments presented by the Applicant in the Response filed November 14, 2006.

Nevertheless, as noted above, clarifying amendments have been presented to claims 34 and 36. Independent claim 34 now generally features "*a position detector which determines a former position of the transducer in relation to a latter motion pattern of the actuator and in relation to a back-electromotive force across a voice coil of the actuator, wherein the former position of the transducer comprises a position prior to spin-up of the disc.*" As noted previously by the Applicant, this is not disclosed, taught or suggested by Hirano '027.

Reconsideration and allowance of claim 34, and for dependent claims 35-36, are respectfully requested on this basis.

#### **Allowable Subject Matter**

The Applicant gratefully acknowledges the allowance of claims 1-8, 10 and 30, and the indication of allowability of claim 11 if amended to overcome the rejection under §112, second paragraph. It is believed that all claims are in condition for immediate allowance.

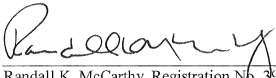
As noted previously, upon allowance of the case, the Applicant requests that claim 30 be advanced in sequence so as to appear with the other claims depending from base claim 1.

#### **Conclusion**

This is intended to be a complete response to the non-final Office Action mailed February 9, 2007. The Applicant respectfully requests reconsideration and allowance of all of the pending

claims. Should any questions arise concerning this response, the Examiner is invited to contact the below signed Attorney.

Respectfully Submitted,

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